

United States District Court

Southern DISTRICT OF California
 2008 JAN -9 PM 1:00
 CLERK US DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA

<p>In the Matter of the Search of (Name, address or brief description of person or property to be searched)</p> <p>Priority Mail Parcel #03071790000075227008 addressed to Anneta Smith 60 Kent Street Apt. FL 2 Hartford CT 06112. The parcel has the return address information of S. Smith 4648 Denwood Ave La Mesa, CA 91941.</p>	<p>BY <u>KNH</u> DEPUTY</p> <p>APPLICATION AND AFFIDAVIT</p> <p>FOR SEARCH WARRANT</p> <p>CASE NUMBER: '08 MJ 0066</p>
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I, Kelly E. Cain being duly sworn depose and say:
 I am a(n) U. S. Postal Inspector and have reason to believe
 Official Title

that on the premises known as (name, description and/or location)

Priority Mail Parcel #03071790000075227008 addressed to Anneta Smith 60 Kent Street Apt. FL 2 Hartford CT 06112. The parcel has the return address information of S. Smith 4648 Denwood Ave La Mesa, CA 91941 which is in the custody of the U. S. Postal Inspection Service

in the Southern District of California

there is now concealed property, namely (describe the person or property)

Controlled substances, materials, and documents reflecting the distribution of controlled substances through the United States Mail, including money paid for controlled substances, in violation of Title 21, United States Code, Sections 841(a)(1), 843(b) and 846

which is (give alleged grounds for search and seizure under Rule 41(b) of the Federal Rules of Criminal Procedure)
 evidence and contraband

in violation of Title 21 United States Code, Section(s) 841(a)(1), 843(b) and 846.

The facts to support the issuance of a Search Warrant are as follows:

See attached.

Continued on the attached sheet and made a part hereof. X Yes ___ No

Kelly E. Cain
 Signature of Affiant

Sworn to before me, and subscribed in my presence

1/8/08
 Date

LOUISA S. PORTER
 U.S. MAGISTRATE JUDGE

U.S. Magistrate Judge
 Name and Title of Judicial Officer

at San Diego, CA
 City and State

Louisa S. Porter
 Signature of Judicial Officer

AFFIDAVIT FOR SEARCH WARRANT

I, Kelly E. Cain, being duly sworn hereby depose and state:

1. I am a United States Postal Inspector currently assigned to the San Diego Field Office of the Postal Inspection and my duties include investigating violations of the Drug Abuse Prevention and Control Act.
2. This affidavit is submitted in support of an application for a search warrant for the following Priority Mail Parcel:
 - a) The Priority Mail Parcel #03071790000075227008 addressed to "Anneta Smith 60 Kent Street Apt. FL 2 Hartford CT 06112". The parcel has the return address information of "S. Smith 4648 Denwood Ave La Mesa, CA 91941".
3. I have been employed as a Postal Inspector since August 2006. From August 2006 through October 2006, I attended the Basic Postal Inspector Academy. Starting October 2006, I was assigned to the Prohibited Mailings Illegal Narcotics Team. Previous to that, I was employed with the San Diego County Sheriff's Department for approximately three and one-half years and with the San Diego State University Police Department for approximately six years. During that time, I was involved in several narcotics related investigations. I received training from the California Department of Justice Advanced Training Center on Drug Identification & Influence, the California Narcotic Officers Association on Drug Abuse Recognition, the Drug Enforcement Administration on Basic Narcotic Investigations and the U.S. Postal Inspection Service which included instruction regarding individuals using the U.S. Mails to transport controlled substances and

proceeds from the sale of controlled substances as well as the use of Postal Money

Orders to launder the proceeds of controlled substances transactions.

4. Based upon my training, experience and discussions with other Postal Inspectors and agents I know the following in summary:
 - a. Individuals who regularly handle controlled substances leave the scent of controlled substances on the currency and other items they handle. Proceeds from these sales are often stored in close proximity to the controlled substances, thereby transferring the odor of the controlled substance to the monies and packaging materials. Narcotic canines are trained to alert on the scents of controlled substances.
 - b. The Postal Inspection Service and DEA Narcotic Task Force Commercial Interdiction Team have worked aggressively to limit the use of shipping companies and the U.S. Mail for the transportation of controlled substance through these companies.
 - c. Ongoing investigations have disclosed that Priority/overnight and "two day" parcel deliveries have become a method of choice by drug dealers for the transportation of contraband or the proceeds of narcotic sales.
 - d. I know that Southern California is a source region for controlled substances being mailed throughout the United States. The proceeds from these narcotic transactions are then transported via the U.S. Mails and other communication facilities back to Southern California, the source of the controlled substances.

e. Drug dealers prefer the U.S. Mail, (but will sometimes utilize commercial shipping companies), specifically "Express Mail" or "Priority Mail," for the narcotic or narcotic proceeds transportation for various reasons, some of which are listed below:

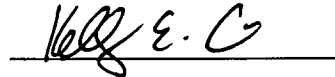
1. Items sent via "Express Mail" or "Priority Mail" are considered to be first-class mail, therefore, cannot be examined without a Federal Search Warrant.
2. "Express Mail" is usually requested to be delivered by the next day's mail.
3. "Priority Mail" is usually requested to be delivered within two days of mailing.
4. Dispatch times for "Express Mail" are specific and are controllable by the mailer/shipper.
5. Any delay to the mail is an indication to the mailer the mail items have been possibly compromised by law enforcement agencies to obtain a search warrant.
6. While it is not always the case that a delay of "Express Mail" or "Priority Mail" is for law enforcement purposes, those involved in illegal transactions have found that the odds are against delays in deliveries of "Express Mail" or "Priority Mail" by United States Postal Service.
7. "Express Mail" and Priority Mail" may weigh up to 70 pounds and is desired for large volume shipments.

- f. Businesses are more likely to use Express Mail and Priority Mail than First-class Mail in the course of normal business and will often use an Express Mail Corporate Account Number for the billing of the mailed articles.
- g. Criminals who are involved in trafficking of controlled substances and drug proceeds will often receive multiple Express Mail articles within a short time period of each other.
- h. Criminals who are involved in trafficking of controlled substances and drug proceeds will often use multiple Post Office Boxes, Commercial Receiving Agencies and addresses in foreign countries to conceal their true identities and place of residence.
- i. I also know that drug related parcels containing currency, checks or money orders sometimes do not contain the presence of controlled substances because persons involved in shipping often utilize packing methods and sanitation procedures to conceal the odor of controlled substances.
- j. I also know from talking to U.S. Postal Service Supervisors and employees responsible for handling the mail that Express Mail is insured for up to \$100 in case of loss or damage. Insurance for Priority Mail may be purchased at an additional fee. Customers are discouraged from sending U.S. currency via the U.S. Mails and are encouraged to purchase negotiable instruments as a means to send currency by the U.S. Postal Service.

5. The information in this affidavit is based upon information I have gained from my investigation, my personal observations, my training and experience as well as information related to me by other Postal Inspectors and law enforcement officers. Since this affidavit is being submitted for the limited purpose of securing a search warrant, I have not included each and every fact known to me concerning this investigation.
6. On 01-07-08, I was conducting a routine interdiction at the Midway Processing & Distribution Facility in San Diego, CA. I came in contact with Priority Mail Parcel #03071790000075227008. The parcel was addressed to "Anneta Smith 60 Kent Street Apt. FL 2 Hartford CT 06112". The parcel has the return address information of "S. Smith 4648 Denwood Ave La Mesa, CA 91941". I became suspicious of the subject parcel for the following reasons: The size, shape and appearance of the parcel was consistent with parcels previously identified in other investigations that contained controlled substances. In addition, the subject parcel had an Insured Mail label affixed to it with a tracking number of 13071300000044696819. I took custody of the subject parcel for further investigation. I searched an address database system for the return address of 4648 Denwood Ave La Mesa, CA 91941. The address was found to be a valid address. However, the name S. Smith was not found to be associated with that address. I searched an address database system for the recipient address of 60 Kent Street Apt. FL 2 Hartford CT 06112. The address was found to be a valid address. There was a name of Kincaita Smith found to be associated with that address, but not the name Anneta Smith.
7. On 01-08-08, I met with U.S. Customs and Border Protection Officer Matthew Villalobos and his trained narcotic detection canine Nero, at the San Ysidro Port of Entry. Officer Villalobos and Nero conducted an exterior examination of the subject Priority Mail Parcel #03071790000075227008. When Nero examined the parcel described above, Officer

Villalobos told me that Nero had alerted to the presence of the odor of controlled substances. I then secured the subject parcel pending an application for a search warrant. The qualifications of canine Nero are contained in Attachment A.

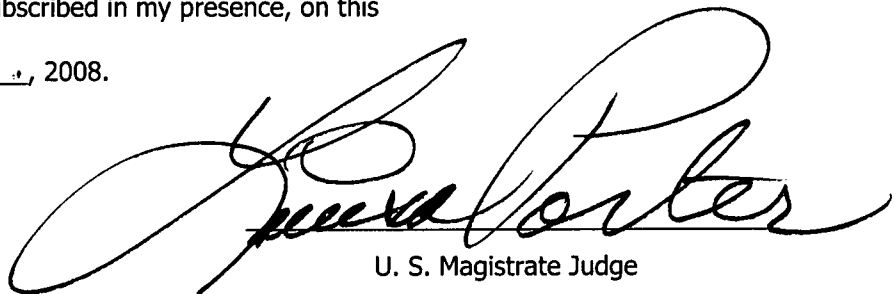
8. Based on the facts set forth in this affidavit, I submit that there is probable cause to believe controlled substances, notes and/or currency from the illegal sale and mailing of controlled substances is being concealed in the Express Mail parcel as described above and seek the issuance of a search warrant directing the search of the article as described above and the seizure of the article, any controlled substances, currency, and/or materials and documents reflecting the distribution of controlled substances, all in violation of Title 21, United States Code, Sections 841(a)(1), 843(b), and 846.



Kelly E. Cain
Postal Inspector

Sworn to before me, and subscribed in my presence, on this

8 Day of Jan, 2008.



U. S. Magistrate Judge

05/21/2007 16:02 FAX 6196458614

FIELD OPS SAN DIEGO

828 Harmony Hollow Road
Front Royal, VA 22638

MAY 16 2007

U.S. Customs and
Border Protection

ENF-3-04-OTD:CBP:CC-FR MS

MEMORANDUM FOR: Director, Field Operations
San Diego

FROM:

Director, CBP Canine Center - Front Royal, Virginia
Office of Training and Development

SUBJECT:

Certification of Narcotics and Concealed Human Detection
Capability

The following canine enforcement teams are certified in the detection of heroin, cocaine, marijuana, methamphetamine, ecstasy, hashish, and concealed human detection. These detector dogs are the property of U.S. Customs and Border Protection (CBP) and graduated on May 10, 2007.

Dog/Brand #	Customs Officer	Port	Class #
Lolla CF-96	Lucy Coburn	San Diego	CBP379021307
Dusty CF-97	Benjamin Joseph	San Diego	CBP379021307
Rita CF-98	David A. Ragsdale	Calexico	CBP379021307
Kurow CF-99	Gene V. Smithburg	San Diego	CBP379021307
Nero CG-01	Matthew C. Villalobos	San Diego	CBP379021307

The above dogs are reliable in the detection of the substances indicated and can also be expected to detect other dangerous drugs due to chemical processing similarities. It is recommended that these teams be routinely used in all work environments.

This memorandum is record that the identified canine enforcement teams have successfully passed all the CBP canine narcotic and concealed human detection training tests at a level that well exceeds the preponderance of the evidence standard used in judicial proceedings. This document may be released in criminal discovery proceedings.

If any further assistance or information is required, I may be contacted at (540) 631-2600.

Lee T. Titus
Lee T. Titus

